

Serial No. 10/501,750
Atty. Doc. No. 2002P00211WOUS

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REMARKS

Claims 18-32 and 34 stand rejected under 35 U.S.C. §101 as not being appropriately directed to statutory subject matter. Applicant appreciates the withdrawal of all rejections based on prior art. Reconsideration of the rejections and allowance of all pending claims are requested in view of the foregoing amendments and the following remarks.

Independent claims 18 and 34 have been amended to further emphasize utilitarian aspects of the claimed invention. Claims 18-32 and 34 remain pending.

Claim 18 is directed to a method for requesting the agreement of a user of a mobile terminal of a mobile radio network to the transfer of their position data to a party requesting this position data. The method allows providing a central privacy entity 26 comprising a database server for storing privacy data 18 regarding the mobile terminal. In particular, the central privacy entity constitutes a separate entity from a Home Location Register (HLR) 16 for the mobile terminal. The privacy data 18 stored in the database server at the central privacy entity is defined to assign to the mobile terminal at least one verification rule as to whether an agreement must be obtained on the mobile terminal side to forward the mobile terminal position to the requester. The switching center 14 of the mobile radio network (in the event of the arrival of a request from a requester for the position of the mobile terminal) causes the database server at the central privacy entity 26 to make a check on the basis of the privacy data stored there. The results of the check performed at the central privacy location 26 are sent to the switching center 14. The position of the mobile terminal is transmitted to the requester when an agreement is received from the mobile terminal by the switching center. The position of the mobile terminal is not transmitted to the requester when no agreement is received from the mobile terminal by the switching center. The foregoing structural and/or operational relationships allow the user of the mobile terminal to selectively approve a transfer of position data of the mobile terminal to the party requesting the position data. Thus, claim 18 expressly sets forth a practical application that produces a useful, concrete, and tangible result. Consequently, the rejection of claim 18, and claims depending there from under 35 U.S.C. §101 should be withdrawn.

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See M.P.E.P. § 2106, subsection IV, C, 2., (2), titled "Practical Application That Produces A Useful, Concrete And Tangible Result" in connection with applicable guidelines for determining whether the claimed invention complies with 35 U.S.C. §101.

Claim 34 is directed to a computer readable media containing program instructions for requesting the agreement of a user of a mobile terminal of a mobile radio network to the transfer of their position data to a party requesting this position data. Claim 34 has been amended in a manner similar to the amendment of claim 18 to emphasize utilitarian results of the claimed invention. Accordingly, the rejection of claim 34 under 35 U.S.C. §101 should be withdrawn.


Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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